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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : David Romeo
Group Art Unit : 1647
Applicant : John C. Lee et al.
Application No. : 09/287,500
Confirmation No.: 6377
Filed : April 7, 1999
For : COMPOSITIONS AND THERAPEUTIC METHODS
USING MORPHOGENIC PROTEINS AND
STIMULATORY FACTORS

New York, New York
July 20, 2005

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(b) and (c)

Sir:

STRYKER CORPORATION, a corporation organized and existing under the laws of the State of Michigan, having an office and place of business at 2725 Fairfield Road, Kalamazoo, Michigan 49005, represents that it is the assignee of record of the entire right, title and interest, by assignment, of the following:

United States patent application Serial No.
09/287,500 (hereinafter "the '500 application"), for

"COMPOSITIONS AND THERAPEUTIC METHODS USING MORPHOGENIC PROTEINS AND STIMULATORY FACTORS", filed on April 7, 1999, which is a divisional of application Serial No. 09/158,220, for "COMPOSITIONS AND THERAPEUTIC METHODS USING MORPHOGENIC PROTEINS AND STIMULATORY FACTORS", filed on September 22, 1998 (now United States Patent 5,916,870; hereinafter "the '870 patent"), which is a divisional of application Serial No. 09/027,873, for "COMPOSITIONS AND THERAPEUTIC METHODS USING MORPHOGENIC PROTEINS AND STIMULATORY FACTORS", filed on February 23, 1998 (now United States Patent 5,854,207; hereinafter "the '207 patent"), which is a divisional of application Serial No. 08/570,752, for "COMPOSITIONS AND THERAPEUTIC METHODS USING MORPHOGENIC PROTEINS AND STIMULATORY FACTORS", filed December 12, 1995 (now United States Patent 6,048,964; hereinafter "the '964 patent").

United States patent application Serial No. 08/761,468 for "COMPOSITIONS AND THERAPEUTIC METHODS USING MORPHOGENIC PROTEINS AND STIMULATORY FACTORS", filed on December 6, 1996 (now United States Patent 5,948,428; hereinafter "the '428 patent"), which is a continuation-in-part of the '964 patent.

An assignment of the entire right, title and interest in and to the subject matter of the '500 application was recorded in the United States Patent and Trademark Office in the '964 patent on February 20, 1996 at Reel/Frame 7825/0701 (copy enclosed). An assignment of the entire right, title and interest in and to the subject matter of the '428 patent was recorded in the United States Patent and Trademark Office on June 27, 1997 at Reel/Frame 8578/0740 (copy enclosed).

The undersigned, on behalf of STRYKER CORPORATION, hereby disclaims the terminal portion of any patent granted on the '500 application which would extend beyond the expiration date of the '964 or '428 patents.

The undersigned, on behalf of STRYKER CORPORATION, agrees that any patent so granted on the '500 application shall be enforceable only for and during such period as the legal title to said patent shall be the same as the legal title to the '964 or '428 patents, this agreement to run with any patent granted on the '500 application and to be binding upon the grantee of the patent and its successors and assigns.

The undersigned does not disclaim any terminal portion of any patent granted on the '500 application prior to the full statutory term of the '964 or '428 patents, in the event that the '964 or '428 patents subsequently (a) expire for failure to pay a maintenance fee, (b) are held unenforceable, (c) are found invalid by a court of competent jurisdiction, (d) are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a, b), (e) have all claims canceled by a reexamination certificate, or (f) are otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned hereby states and certifies that:

1. The undersigned is an attorney of record in the above-identified patent application and is authorized to act on behalf of assignee corporation in connection with said application; and

2. The above-identified assignment documents have been reviewed and, to the best of the undersigned's and

assignee's knowledge and belief, title to the '500 application and the '964 and '428 patents are in assignee.

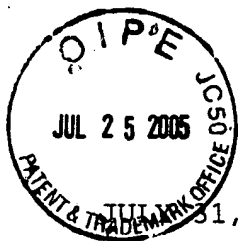
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Date:

July 20, 2005



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER
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RECORDATION DATE: 06/27/1997

REEL/FRAME: 8578/0740
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

LEE, JOHN C.

DOC DATE: 05/15/1997

ASSIGNOR:

YEH, LEE-CHUAN C.

DOC DATE: 05/15/1997

ASSIGNEE:

STRYKER CORPORATION
2725 FAIRFIELD ROAD
KALAMAZOO, MICHIGAN 49005

SERIAL NUMBER: 08761468
PATENT NUMBER:

FILING DATE: 12/06/1996
ISSUE DATE:

SHIRLIE SIMON, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

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AUG 04 1997

FISH & NEAVE - PATENT DEPT.
REFERRED TO B.A.R.
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ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MAY 28, 1996

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RECORDATION DATE: 02/20/1996

REEL/FRAME: 7825/0701

NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

LEE, JOHN C.

DOC DATE: 02/05/1996

ASSIGNOR:

YEH, LEE-CHUAN C.

DOC DATE: 02/13/1996

ASSIGNEE:

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KALAMAZOO, MICHIGAN 49005

SERIAL NUMBER: 08570752

FILING DATE: 12/12/1995

PATENT NUMBER:

ISSUE DATE:

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